

AMENDED IN ASSEMBLY APRIL 21, 2009

AMENDED IN ASSEMBLY APRIL 13, 2009

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 450

Introduced by Assembly Member De La Torre

February 24, 2009

An act to ~~amend Section 13551 of~~ *add Section 13552.1 to* the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

AB 450, as amended, De La Torre. Recycled~~water~~. *water: oil refineries.*

Existing law *declares that the use of potable domestic water for various nonpotable uses is a waste or an unreasonable use of water, and* prohibits a person or public agency from using water from any source of quality suitable for potable domestic use for *various* nonpotable purposes, including cemeteries, golf courses, parks, highway landscaped areas, and industrial and irrigation uses, if suitable recycled water is available.

This bill would *declare that the use of potable domestic water for oil refineries is a waste or unreasonable use of water, if certain requirements are met. The bill would additionally include oil refineries among those nonpotable purposes prohibit a person or public agency from using potable water for oil refinery purposes, if certain requirements are met. The bill would state that it is the intent of the Legislature to provide incentives to facilitate compliance with these provisions. These provisions would become operative on January 1, 2020.*

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 13552.1 is added to the Water Code, to
2 read:

3 13552.1. (a) The Legislature hereby finds and declares that
4 the use of potable domestic water for oil refineries is a waste or
5 unreasonable use of water within the meaning of Section 2 of
6 Article X of the California Constitution if recycled water is
7 available that meets the requirements set forth in Section 13550,
8 as determined by the state board after notice and a hearing.

9 (b) The state board may require a public agency or person
10 subject to this section to submit information that the state board
11 determines may be relevant in making the determination required
12 in subdivision (a).

13 (c) (1) A person or public agency shall not use water from any
14 source of quality suitable for potable domestic use for nonpotable
15 uses in the operation of an oil refinery, if suitable recycled water
16 is available as provided in subdivision (a).

17 (2) Notwithstanding paragraph (1), any use of recycled water
18 in lieu of water suitable for potable domestic use shall, to the extent
19 of the recycled water used for this purpose, be deemed to constitute
20 a reasonable beneficial use of that water and the use of recycled
21 water shall not cause any loss or diminution of any existing water
22 right.

23 (d) It is the intent of the Legislature to enact legislation to
24 establish incentives to facilitate compliance with this section.

25 (e) This section shall become operative on January 1, 2020.

26 ~~SECTION 1. Section 13551 of the Water Code is amended to~~
27 ~~read:~~

28 ~~13551. (a) A person or public agency, including a state agency,~~
29 ~~city, county, city and county, district, or any other political~~
30 ~~subdivision of the state, shall not use water from any source of~~
31 ~~quality suitable for potable domestic use for nonpotable uses,~~
32 ~~including cemeteries, golf courses, parks, highway landscaped~~
33 ~~areas, oil refineries, and industrial and irrigation uses if suitable~~
34 ~~recycled water is available as provided in Section 13550.~~

1 ~~(b) Notwithstanding subdivision (a), any use of recycled water~~
2 ~~in lieu of water suitable for potable domestic use shall, to the extent~~
3 ~~of the recycled water so used, be deemed to constitute a reasonable~~
4 ~~beneficial use of that water and the use of recycled water shall not~~
5 ~~cause any loss or diminution of any existing water right.~~

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